

# HOUSE . . . . . No. 2169

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## The Commonwealth of Massachusetts

PRESENTED BY:

**Benjamin Swan**

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to funeral home expenses.

SECTION 1. Section 9 of chapter 117A of the General Laws as appearing in the 2002 Official Edition is hereby amended by striking the section in its entirety and inserting in place thereof the

following new section:— Section 9. The department shall provide for the decent interment of all deceased persons who are at the time of death recipients of aid or assistance under this chapter, all deceased persons who, although without means of support at the time of death, did not apply for such aid or assistance; and all unknown persons found dead. The expense thereof may be recovered of their kindred, if any, chargeable by law for their support in the manner provided in this chapter; and if the expense of their funeral and interment is not paid by such kindred, an amount not exceeding eleven hundred dollars shall be paid by the commonwealth; provided further, that the commonwealth shall have the right of reimbursement from whatever resources may exist in the estate of said person.

SECTION 2. Section 10 of chapter 117A of the General Laws, as so appearing, is hereby amended by striking the section in its entirety and inserting in place thereof the following new section:—

Section 10. In case of the decease of a poor and indigent person the commonwealth shall pay toward the expense of the funeral and interment of such person a sum not exceeding eleven hundred dollars; provided, however, that the commonwealth shall have the right of reimbursement from whatever resources may exist in the estate of said person.

SECTION 3. Section 2 of Chapter 118 of the General Laws, as so appearing, is hereby amended by striking the third paragraph in lines 29 through 35 inclusive and inserting in place thereof the following new paragraph:—

“The department may pay a sum not exceeding eleven hundred dollars toward the funeral and interment of a recipient provided that there are insufficient resources to pay for the cost of such funeral and interment. The commonwealth shall have the right of reimbursement from whatever resources may exist in the estate of the recipient.”

SECTION 4. Section 7 of Chapter 118A of the General Laws, as so appearing, is hereby amended by striking the section in its entirety and inserting in place thereof the following new section:—

Section 7. The department shall provide to aged and disabled residents of the commonwealth under this chapter a program of social services as enumerated under section two of chapter eighteen. In addition to the other benefits authorized by this chapter, the department may provide to such recipients grants of assistance in cases of fire, flood, or other disaster. The department may pay a sum not exceeding eleven hundred dollars toward the funeral and interment of a recipient provided that there are insufficient resources to pay for the cost of such funeral and interment. The

Commonwealth shall have the right of reimbursement from whatever resources may exist in the estate of the recipient.

SECTION 5. Section 23 of Chapter 119 of the General Laws, as so appearing, is hereby amended by striking the fifteenth paragraph in lines 138 to 145 inclusive and inserting in place thereof the following new paragraph:—

“H. The department may pay a sum not exceeding eleven hundred dollars toward the funeral and interment of a child in its care provided that there are insufficient resources to pay for the cost of such funeral and interment. The Commonwealth shall have the right of reimbursement from whatever resources may exist in the estate of the child.”

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PETITION OF:

NAME:	DISTRICT/ADDRESS:
Christine E. Canavan	10th Plymouth
Martin J. Walsh	13th Suffolk
Richard J. Ross	9th Norfolk

[SIMILAR MATTER FILED IN PREVIOUS SESSION

SEE HOUSE, NO. 2261 OF 2007-2008.]

## **The Commonwealth of Massachusetts**

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**In the Year Two Thousand and Nine**

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### **AN ACT RELATIVE TO FUNERAL HOME EXPENSES.**

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1   **SECTION 1.** SECTION 9 OF CHAPTER 117A OF THE GENERAL LAWS AS APPEARING IN  
2   THE 2002 OFFICIAL EDITION IS HEREBY AMENDED BY STRIKING THE SECTION IN ITS  
3   ENTIRETY AND INSERTING IN PLACE THEREOF THE FOLLOWING NEW SECTION:—

4   **SECTION 9.** THE DEPARTMENT SHALL PROVIDE FOR THE DECENT INTERMENT OF ALL  
5   DECEASED PERSONS WHO ARE AT THE TIME OF DEATH RECIPIENTS OF AID OR  
6   ASSISTANCE UNDER THIS CHAPTER, ALL DECEASED PERSONS WHO, ALTHOUGH  
7   WITHOUT MEANS OF SUPPORT AT THE TIME OF DEATH, DID NOT APPLY FOR SUCH AID  
8   OR ASSISTANCE; AND ALL UNKNOWN PERSONS FOUND DEAD. THE EXPENSE THEREOF  
9   MAY BE RECOVERED OF THEIR KINDRED, IF ANY, CHARGEABLE BY LAW FOR THEIR  
10   SUPPORT IN THE MANNER PROVIDED IN THIS CHAPTER; AND IF THE EXPENSE OF THEIR  
11   FUNERAL AND INTERMENT IS NOT PAID BY SUCH KINDRED, AN AMOUNT NOT  
12   EXCEEDING ELEVEN HUNDRED DOLLARS SHALL BE PAID BY THE COMMONWEALTH;  
13   PROVIDED FURTHER, THAT THE COMMONWEALTH SHALL HAVE THE RIGHT OF  
14   REIMBURSEMENT FROM WHATEVER RESOURCES MAY EXIST IN THE ESTATE OF SAID  
15   PERSON.

16   **SECTION 2.** SECTION 10 OF CHAPTER 117A OF THE GENERAL LAWS, AS SO  
17   APPEARING, IS HEREBY AMENDED BY STRIKING THE SECTION IN ITS ENTIRETY AND  
18   INSERTING IN PLACE THEREOF THE FOLLOWING NEW SECTION:— **SECTION 10.** IN  
19   CASE OF THE DECEASE OF A POOR AND INDIGENT PERSON THE COMMONWEALTH  
20   SHALL PAY TOWARD THE EXPENSE OF THE FUNERAL AND INTERMENT OF SUCH PERSON  
21   A SUM NOT EXCEEDING ELEVEN HUNDRED DOLLARS; PROVIDED, HOWEVER, THAT THE

COMMONWEALTH SHALL HAVE THE RIGHT OF REIMBURSEMENT FROM WHATEVER RESOURCES MAY EXIST IN THE ESTATE OF SAID PERSON.

SECTION 3. SECTION 2 OF CHAPTER 118 OF THE GENERAL LAWS, AS SO APPEARING, IS HEREBY AMENDED BY STRIKING THE THIRD PARAGRAPH IN LINES 29 THROUGH 35 INCLUSIVE AND INSERTING IN PLACE THEREOF THE FOLLOWING NEW PARAGRAPH:—  
“THE DEPARTMENT MAY PAY A SUM NOT EXCEEDING ELEVEN HUNDRED DOLLARS TOWARD THE FUNERAL AND INTERMENT OF A RECIPIENT PROVIDED THAT THERE ARE INSUFFICIENT RESOURCES TO PAY FOR THE COST OF SUCH FUNERAL AND INTERMENT. THE COMMONWEALTH SHALL HAVE THE RIGHT OF REIMBURSEMENT FROM WHATEVER RESOURCES MAY EXIST IN THE ESTATE OF THE RECIPIENT.”

SECTION 4. SECTION 7 OF CHAPTER 118A OF THE GENERAL LAWS, AS SO APPEARING, IS HEREBY AMENDED BY STRIKING THE SECTION IN ITS ENTIRETY AND INSERTING IN PLACE THEREOF THE FOLLOWING NEW SECTION:—

SECTION 7. THE DEPARTMENT SHALL PROVIDE TO AGED AND DISABLED RESIDENTS OF THE COMMONWEALTH UNDER THIS CHAPTER A PROGRAM OF SOCIAL SERVICES AS ENUMERATED UNDER SECTION TWO OF CHAPTER EIGHTEEN. IN ADDITION TO THE OTHER BENEFITS AUTHORIZED BY THIS CHAPTER, THE DEPARTMENT MAY PROVIDE TO SUCH RECIPIENTS GRANTS OF ASSISTANCE IN CASES OF FIRE, FLOOD, OR OTHER DISASTER. THE DEPARTMENT MAY PAY A SUM NOT EXCEEDING ELEVEN HUNDRED DOLLARS TOWARD THE FUNERAL AND INTERMENT OF A RECIPIENT PROVIDED THAT THERE ARE INSUFFICIENT RESOURCES TO PAY FOR THE COST OF SUCH FUNERAL AND INTERMENT. THE COMMONWEALTH SHALL HAVE THE RIGHT OF REIMBURSEMENT FROM WHATEVER RESOURCES MAY EXIST IN THE ESTATE OF THE RECIPIENT.

SECTION 5. SECTION 23 OF CHAPTER 119 OF THE GENERAL LAWS, AS SO APPEARING, IS HEREBY AMENDED BY STRIKING THE FIFTEENTH PARAGRAPH IN LINES 138 TO 145 INCLUSIVE AND INSERTING IN PLACE THERE OF THE FOLLOWING NEW PARAGRAPH:—

“H. THE DEPARTMENT MAY PAY A SUM NOT EXCEEDING ELEVEN HUNDRED DOLLARS TOWARD THE FUNERAL AND INTERMENT OF A CHILD IN ITS CARE PROVIDED THAT THERE ARE INSUFFICIENT RESOURCES TO PAY FOR THE COST OF SUCH FUNERAL AND INTERMENT. THE COMMONWEALTH SHALL HAVE THE RIGHT OF REIMBURSEMENT FROM WHATEVER RESOURCES MAY EXIST IN THE ESTATE OF THE CHILD.” .